

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

3-18-16

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS

Report of Regular Meeting
Monday, March 14, 2016
House Hearing Room 5 -- 2:00 p.m.

Convened 3:18 p.m.

Recessed

Reconvened

Adjourned 5:03 p.m.

Members Present

Mr. Ackerley
Mrs. Cobb
Mrs. Gonzales
Mr. Lovas
Mr. Mendez
Ms. Rios
Ms. Townsend
Mrs. Brophy McGee, Vice-Chairman
Mr. Allen J., Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak


Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Beth Rosenberg	Children's Action Alliance	3

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call, Attendance)</u>
SB1102	DPA S/E	9-0-0-0	4, 5, 6, 7, 8
SB1296	DPA	9-0-0-0	9, 10, 11, 12
SB1297	DP	9-0-0-0	13, 14
SB1299	DP	9-0-0-0	15, 16
Committee Attendance			17


Sierra Orozco, Chairman Assistant
March 18, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS
Monday, March 14, 2016

Con - 3:18pm
Adj - 5:03pm

REVISED #2 - 03/10/16

REVISED #2 - 03/10/16

REVISED #2 - 03/10/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS

DATE Monday, March 14, 2016

ROOM HHR 5

TIME 2:00 P.M.

Members:

Mr. Ackerley
Mrs. Cobb
Mrs. Gonzales

Mr. Lovas
Mr. Mendez
Ms. Rios

Ms. Townsend
Mrs. Brophy McGee, Vice-Chairman
Mr. Allen J, Chairman

Presentation

Fostering Advocates Arizona, Top Priorities for Older Youth in Foster Care - Beth Rosenberg, Director of Child Welfare & Juvenile Justice, Children's Action Alliance

Bills	Short Title	Strike Everything Title
SB1102	<u>DPA/SE</u> guardians; duties; access to ward (Barto)	S/E: training; foster parents S/E: dependent children ←
	<u>9-0-0-0</u> CFA, RULES	
SB1296	<u>DPA</u> guardianship; proceedings; ward's relationships (Driggs)	
	<u>9-0-0-0</u> CFA, RULES	
SB1297	<u>DP</u> paternity; preliminary injunction (Driggs: Burges)	
	<u>9-0-0-0</u> CFA, RULES	
SB1299	<u>DP</u> child support action; affirmative defense (Driggs: Barto, Kavanagh)	
	<u>9-0-0-0</u> CFA, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

SO
3/9/16
3/10/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Children and Family Affairs (3/14/2016)

SB1102, guardians; duties; access to ward

Testified in support:

Joshua Tucker, ARIZONA DEPARTMENT OF CHILD SAFETY; Kevin Patterson, representing self

Support:

Emily Jenkins, Arizona Council Of Human Service Providers; Bahney Dedolph, Arizona Council Of Human Service Providers; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Matthew Contorelli, representing self; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER

All Comments:

Emily Jenkins, Arizona Council Of Human Service Providers: We support the strike everything amendment to SB1102 with the Rios additional amendment and are available to speak if needed.; Bahney Dedolph, Arizona Council Of Human Service Providers: We support the strike everything amendment to SB1102 with the Rios amendment and am available to speak if necessary.; Joshua Tucker, ARIZONA DEPARTMENT OF CHILD SAFETY: DCS is in support of the proposed Strike Everything Amendment.; Matthew Contorelli, Self: Department of Juvenile Corrections in support of Strike Everything Amendment; Kevin Patterson, Self: (As amended)

SB1296, guardianship; proceedings; ward's relationships

Testified in support:

Amy Love, Arizona Judicial Council

Support:

Emily Jenkins, Arizona Council Of Human Service Providers; Bahney Dedolph, representing self; Liana Garcia, Maricopa County Superior Court

SB1297, paternity; preliminary injunction

Testified in support:

Tyler Thorp, AZ JUDICIAL COUNCIL

Support:

Amy Love, Arizona Judicial Council; Trey Williams, AZ ASSOCIATION OF COUNTIES; Liana Garcia, Maricopa County Superior Court

All Comments:

Trey Williams, AZ ASSOCIATION OF COUNTIES: On behalf of Superior Court Clerks

SB1299, child support action; affirmative defense

Testified in support:

Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security

FOSTERING ADVOCATES

Youth. Speak. Change. ARIZONA

February 29, 2016

Dear Legislator,

Fostering Advocates Arizona is an initiative guided by young adults who have experienced foster care. Our challenges, strengths and life experiences are the driving force behind our advocacy efforts. **Having lived through the obstacles that brought us into care, managing life changes while in care, and surviving life after care, we understand the hurdles and struggles current and former foster youth face each day.**

Our group of young advocates have come together to raise awareness about issues affecting foster youth, bringing community members and organizations together to support foster youth and most importantly, connecting foster youth with the resources they both deserve and need.

Over the last several months, we have worked diligently to identify five key priority areas along with recommendations to improve foster care in Arizona. Enclosed you will find a copy of our advocacy document along with personal testimonies on how these priority areas have challenged and affected our lives as foster youth.

We are currently facing a crisis within child welfare and thousands of young lives are in need of immediate action. Fostering Advocates Arizona thanks you for your time and for considering our priority recommendations. We ask for a seat at the leadership table, as experts on foster care, in the coming weeks, months and years ahead to provide meaningful ideas and solutions for foster youth to truly thrive in Arizona.

Thank you.



Desaray Klimenko
Fostering Advocates Arizona
Young Adult Leadership Board Chair

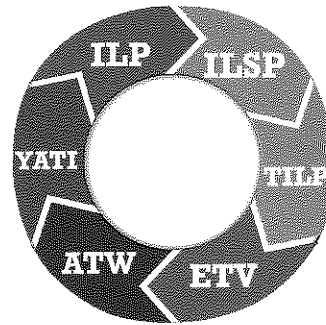
FOSTERING
ADVOCATES
Youth. Speak. Change. ARIZONA

Have you
HEARD?!

RESOURCES FOR YOUTH AGING OUT OF FOSTER CARE ARE HERE!

YOU'RE EXCITED and maybe a little nervous about leaving foster care, right? Fostering Advocates Arizona is here to help guide the way with resources that support your transition to adulthood. Here's a sample of what you'll find on our site.

AVAILABLE PROGRAMS learn more about support programs offered through the State of Arizona and how to apply.



EDU ATION

EDUCATION programs, scholarships and training available to foster care youth.

FAMILY FINDING resources to reconnect with bio parents, grandparents, siblings and other family members.

**Family
Finding**

**VITAL
DOCS**

VITAL DOCUMENTS learn how to obtain your medical, educational, and personal identity records.

SIGN UP FOR OUR E-NEWS ON OUR WEBSITE
www.fosteringadvocatesarizona.org ↗

ALL OF OUR RESOURCES ARE YOUR RESOURCES!

Download them by clicking on the PDF library
at the bottom of our homepage.

Share them!



I speak change.

BLOG stories shared by peers in
foster care, scholarship alerts and
trending news.

LEARN ABOUT financial literacy and
a matched savings program you may be
eligible for.

OPPORTUNITY
PASSPORT 

**Employment
& Training**

EXPLORE training and employment
services available to you. Be sure to
download our "3 Steps for Your Job
Hunt" infographic.

SIGN UP FOR OUR E-NEWS ON OUR WEBSITE

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**FOSTERING
ADVOCATES**
Youth Speak Change ARIZONA

 fosteringadvocatesaz@gmail.com
 facebook.com/FosteringAdvocatesArizona
 [@FosteringAdvAZ](https://twitter.com/FosteringAdvAZ)  (602) 266-0707

For more information or to get involved, contact us:

Children's Action Alliance, 4001 N. 3rd St. #160, Phx, AZ 85012

FOSTERING ADVOCATES

Youth. Speak. Change. ARIZONA

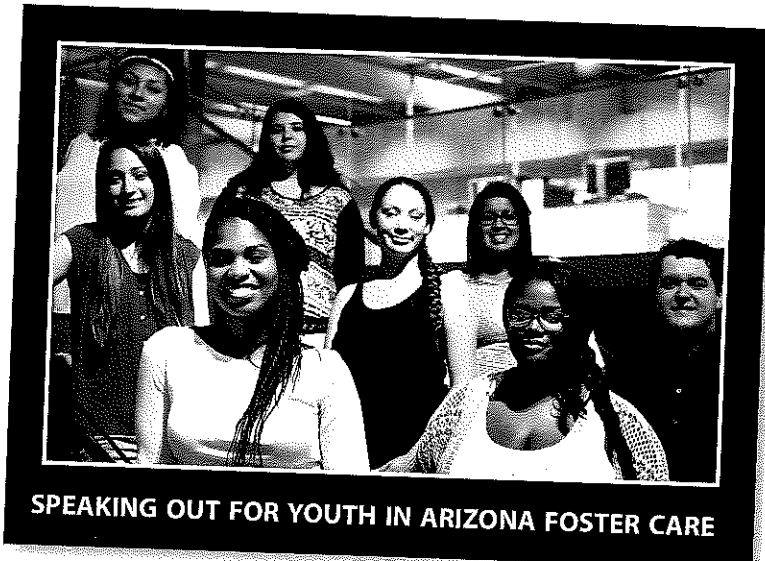
There are over **400,000 children in foster care** in the United States.

In Arizona alone, over 19,000 children and youth are in foster care.

Each year in Arizona, approximately **700 young adults will turn 18 and “age-out”** without legal, permanent connections.¹

As we leave foster care at age 18, many of us do not have the knowledge or support to access basic family networks, community connections, jobs, housing, health insurance or other critical resources we need to build independence.

Fostering Advocates Arizona (FAAZ) works to connect young adults leaving foster care to these vital networks, resources and supports. Our work is guided by a Young Adult Leadership Board, a group of young people who have experienced foster care and represent a diverse range of age, race, gender identity, sexual orientation, parental status and



foster care placements. As young adult leaders who have first hand knowledge of what it is like to be in foster care, we have the expertise and experience to advocate for future system improvements.

Together, we have identified our top priority issues and recommendations. We urge policy makers, child advocates, attorneys, judges, and the business and faith communities to join us in advocating for real, positive changes to the state's foster care system.

PRIORITIES SUMMARY

- **Normal adolescent experiences**
- **Enhanced screening and matching process for foster care placements**
- **A strong relationship with Department of Child Safety (DCS) Case Specialists**
- **Permanent placements with a family as a case plan priority**
- **Consistent access and enrollment in health care**

¹Arizona Department of Economic Security (ADES-DCYF) Child Welfare Reporting Requirements Semi-Annual Reports (2003-2015) compiled by the Children's Action Alliance, reporting period October 1, 2014- September 30, 2015.

PRIORITY #1

We need normal life experiences while living in foster care

ISSUE!

Youth in foster care want to feel "normal." Unfortunately, many of us feel far from normal when we are unable to engage in the same activities that many of our peers (*who are not in foster care*), have the opportunity to be part of. Normalcy for young adults in foster care means not missing out on everyday events such as hanging out with our friends after school, going to dances, high school football games, or getting a driver's license. These are critical to our self-development and learning, as well as our ability to create and maintain long term social networks of support. While entering the foster

care system is far from normal, **it is important the system not further stifle the opportunity for us to learn and practice critical thinking skills, decision making, and how to recover when obstacles or failures strike.** These are all important steps in developing a successful transition from foster care to young adulthood.

In 2014, Congress passed the Preventing Sex Trafficking and Strengthening Families Act, that requires children in foster care to have "normal" childhood experiences.

what is normalcy?

For young adults in foster care it means not missing out on everyday experiences such as hanging out with our friends after school, going to dances, high-school football games, or getting a driver's license.

Within this law are provisions requiring the state agency to implement policies and procedures supporting normalcy for young adults in foster family and group care settings.

These federal requirements are important as they institute liability protections for child welfare agencies, foster families and group homes to further support the implementation of "normalcy" activities and experiences for youth in foster care.

RECOMMENDATIONS



- Update and enforce Department of Child Safety (DCS) policies, contracts and licensing requirements to ensure normalcy activities are supported in all placement types. These should include activities such as participating in sports and after school activities, staying the night at a friend's house, getting a part-time job and obtaining a drivers license.
- Include age and developmentally appropriate normalcy related activities in every case plan. These activities should be reviewed and discussed with the youth at monthly meetings such as: court hearings, case staffings, Child and Family Team meetings and Foster Care Review Board.
- DCS and partner agencies develop a tool such as a "Teens Success Agreement" which supports the youth in foster care and responsible adult caregiver(s) in walking through relationship expectations, normalcy related activities, managing risk and practicing decision-making skills that are appropriate for the youth's age, developmental ability, and maturity.
- Create a DCS policy for group care providers and foster parents that ensures monthly hands-on experiences where young adults actually get to practice (not just learn) life skills such as cooking, doing laundry, making a budget and managing money, creating a resume, searching and applying for employment and post-secondary education opportunities, as well as receiving assistance with any special life skills activities when necessary.

“

At sixteen, I desperately wanted to find my first job. I was in a group home and because their policy required I was supervised by an adult at all times I did not have the opportunity to search for a job independently. Nor could I search online as residents were not allowed internet access. While all my friends began working their first jobs, I was left behind.”

—Adrian



“

I bounced around schools a lot as a teenager and never had the opportunity to build long-term relationships like my peers who were not in foster care. I missed out on normal life experiences like going to prom and hanging out with friends. These experiences are important to developing one's own identity.” —Brittany H.

PRIORITY #2

We need a screening and matching process that helps us succeed in stable, supportive foster care placements

ISSUE!

The screening and matching process of placements in foster care is crucial to our immediate and long-term success. Currently, Arizona has a record high number of children and youth in foster care. As a result, we are often placed in families and group care settings for convenience rather than compatibility according to our needs. These needs may include connections with our siblings, staying in our community of origin, maintaining school

enrollment, physical and mental health needs, honoring our unique ethnic and racial identities, religious preferences, gender expression and sexual orientation. When we are placed for convenience and not compatibility, we are at a higher risk for disrupting and moving from placement to placement.

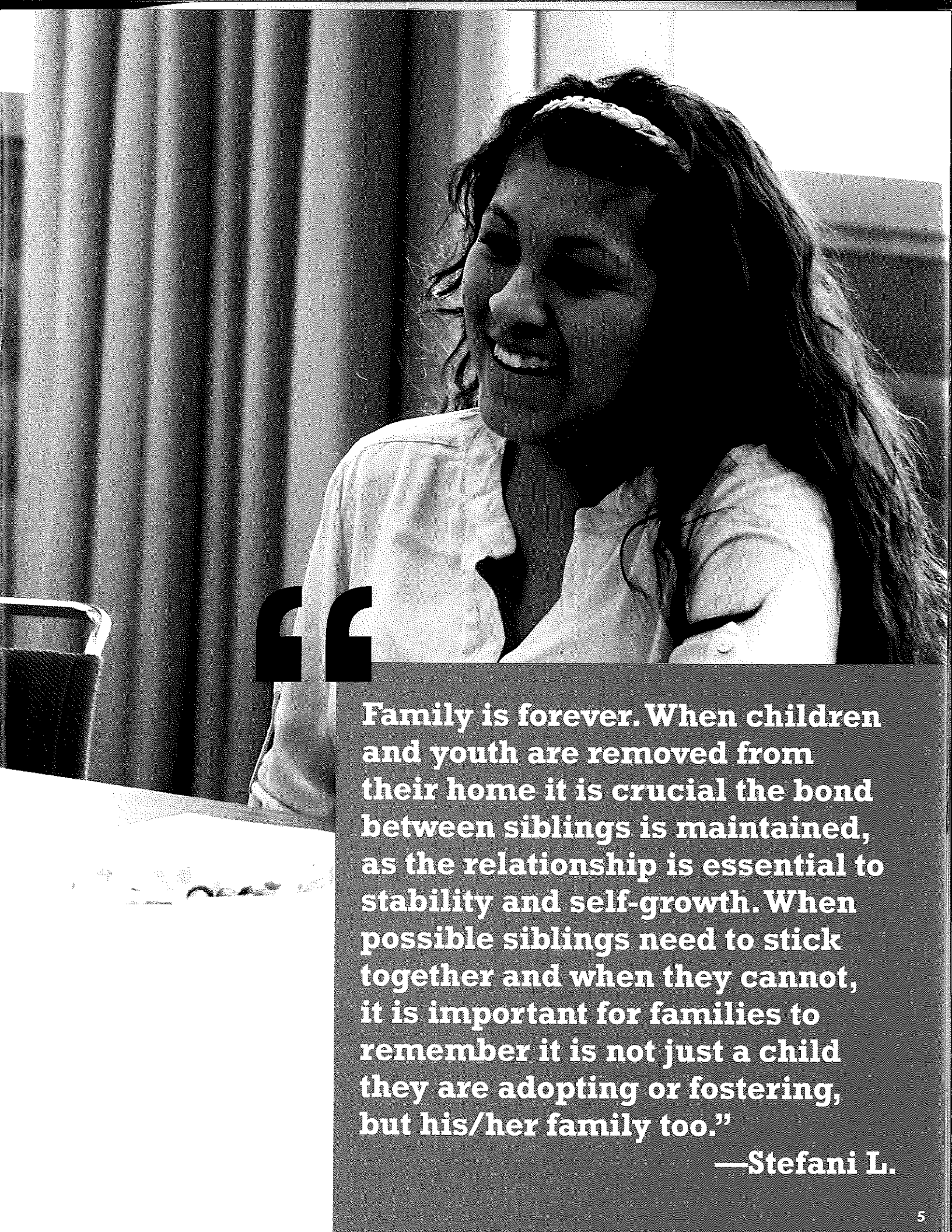
Nationally, on average a child in foster care changes placements three times. This number increases significantly for youth who identify

as LGBTQ. **Moving placements is incredibly detrimental and traumatizing for us, as each change means a different home, family, siblings, school and friends.** A report from *Foster Care to Success* states that one-third of 17-18 year olds in care have experienced five or more school changes. With each school move, studies show that a young adult falls further behind or under performs compared to children with no school change.¹

RECOMMENDATIONS



- DCS Case Specialists should ask us about who we are, what we like to do, and the type of family we want to live with. This should be the driving force for choosing a placement setting. When placement compatibility is considered, we are less likely to disrupt. It's important we continue to build trusting, secure, caring, and long lasting relationships with adults and peers in our lives.
- We should be placed with our siblings whenever possible. When it is not possible, DCS Case Specialists should encourage sibling connections, arrange for visitations and document activities in case plans and court reports. We should be notified of any significant events in the lives of our siblings if we are not placed together.
- If placement change must occur, let us stay in the same school so our grades do not drop, we can graduate on time, and we can maintain our friendships and relationships with teachers, counselors and coaches.
- There are more children in Arizona foster care than there are licensed foster families. Engage us in conversations with DCS leadership and the Legislature to increase financial supports for unlicensed kinship placements.



Family is forever. When children and youth are removed from their home it is crucial the bond between siblings is maintained, as the relationship is essential to stability and self-growth. When possible siblings need to stick together and when they cannot, it is important for families to remember it is not just a child they are adopting or fostering, but his/her family too.”

—Stefani L.

PRIORITY #3

We need a strong relationship with our Department of Child Safety (DCS) Case Specialists

ISSUE!

Access to our DCS Case Specialist has special significance as these staff are our main contact and champion as we navigate through the "system."

Our Case Specialists are supposed to do many things, from selecting the best placement for us, arranging our clothing needs, medical, dental and behavioral health care, setting up sibling visits, and meeting monthly with us one-on-one to see how life is going.

Our DCS Case Specialists are the ones who "green light" decisions and opportunities. With the increasing case loads DCS Case Specialists carry, many of these responsibilities are near impossible to achieve.

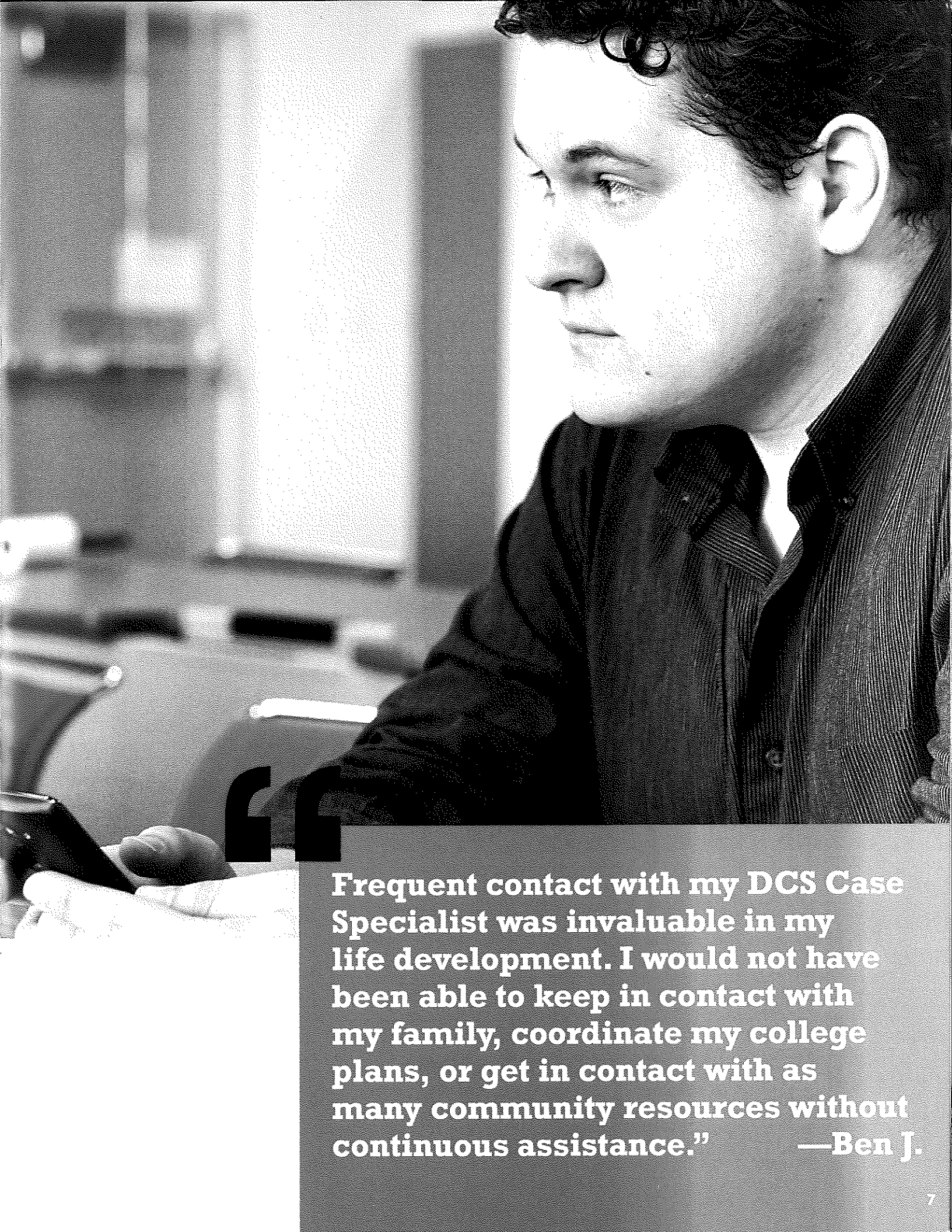
As a result, it is common for those of us in foster care to miss out on activities and opportunities when we are unable to receive timely correspondence from our Case Specialists.

This makes it difficult for us to have a voice in the decision making process, including developing our case plans and insuring our safety and overall well-being. This often leads us to feeling insecure, fearful and not valued as an individual.

RECOMMENDATIONS



- **Focus on DCS staff retention and decrease case loads assigned per Case Specialist to no more than 20. Our lives disrupt each time there is a change in our Case Specialist. Decreasing caseload size will not only help Case Specialists manage their workload, it will also strengthen our relationship with our Case Specialist, focus on our needed services, and help build connections and permanency.**
- **We should be given a cell phone number and e-mail address so we can reach our Case Specialists at important times. When we need immediate assistance after business hours and our Case Specialist is not available, there should be a 24 hour hotline accessible for immediate assistance.**
- **Determining what is an emergency and what can wait until later may be different from our perspective vs. our Case Specialists perspective. We need clearer language on what constitutes an emergency so we can better understand who to call when we need assistance.**
- **Case Specialists should have face-to-face visit(s) with us at least twice each month. This should happen even if we are assessed as safe and even if our permanency goal is not reunification.**
- **Case Specialists should listen to us, we have a lot to say!**



“

Frequent contact with my DCS Case Specialist was invaluable in my life development. I would not have been able to keep in contact with my family, coordinate my college plans, or get in contact with as many community resources without continuous assistance.”

—Ben J.

We need permanent placements within a family as a case plan priority

ISSUE!

Permanency is one of the most important aspects of creating a thriving adult life. Whether it means maintaining relationships with a mother and father, favorite aunt or uncle, a grandparent, a caring foster or adoptive family or even a mentor, having life-long permanency sets us on a path of positive health and well-being. It positions us to safely

experience life's biggest challenges and successes within a network of supportive adults, family and friends.

In Arizona alone, approximately 700 young people age out of foster care each year without achieving legal permanency.¹ Many of us are living in group care facilities rather than a family environment when we turn age 18.

System barriers and limitations prevent us from forming critical relationships with caring adults who will be in our lives long after DCS and other social service agencies are gone.

Regardless of a person's age, lifelong relationships with family and caring adults are critical.

RECOMMENDATIONS



- Ask us questions about family, friends, coaches, teachers, or mentors who might be able to provide a foster care placement for us as soon as a DCS investigation starts.
- Continue permanency and family finding efforts for us even if our case plan goal changes to Independent Living.
- Case plans should reflect DCS efforts toward helping us find permanency and judges, attorneys and guardians ad litem need to ask about efforts at each court proceeding.
- We are never too old for a loving, supportive family. Don't give up on helping us find permanent and supportive life-long connections.

¹Arizona Department of Economic Security (ADES-DCYF) Child Welfare Reporting Requirements Semi-Annual Reports (2003-2015) compiled by the Children's Action Alliance, reporting period October 1, 2014- September 30, 2015.



“

As a kid in foster care, permanency is the only thing on our wish list. Family to us means so much when having so little. In fact, family is all we want. Luckily, after a long separation from my family, I was placed into my first and only foster home, along with all of my eight siblings. Placements like these are not very common, but having that enduring relationship with my siblings strengthened me to become stable and have a shot at a normal life.”

—Ashley P.

PRIORITY #5

We need help in enrolling, accessing, and maintaining health care

ISSUE

Health care is an important basic need throughout life, no matter how old we are. Young adults who turn 18 and age out of foster care in Arizona now have access to health insurance until our 26th birthday, regardless of income.

This means we can get special health care coverage through the Young Adult Transitional Insurance (YATI)

program within AHCCCS (*Arizona's Medicaid program*).

While DCS, AHCCCS and the Department of Economic Security (DES) have worked together to streamline enrollment of eligible young adults, many of us still do not understand how enrollment works, what is required of us to maintain health insurance and how to avoid

gaps in coverage. **As a result, many of us lose our coverage, avoid going to the doctor, miss school and work, or rack up unnecessary medical debt.**

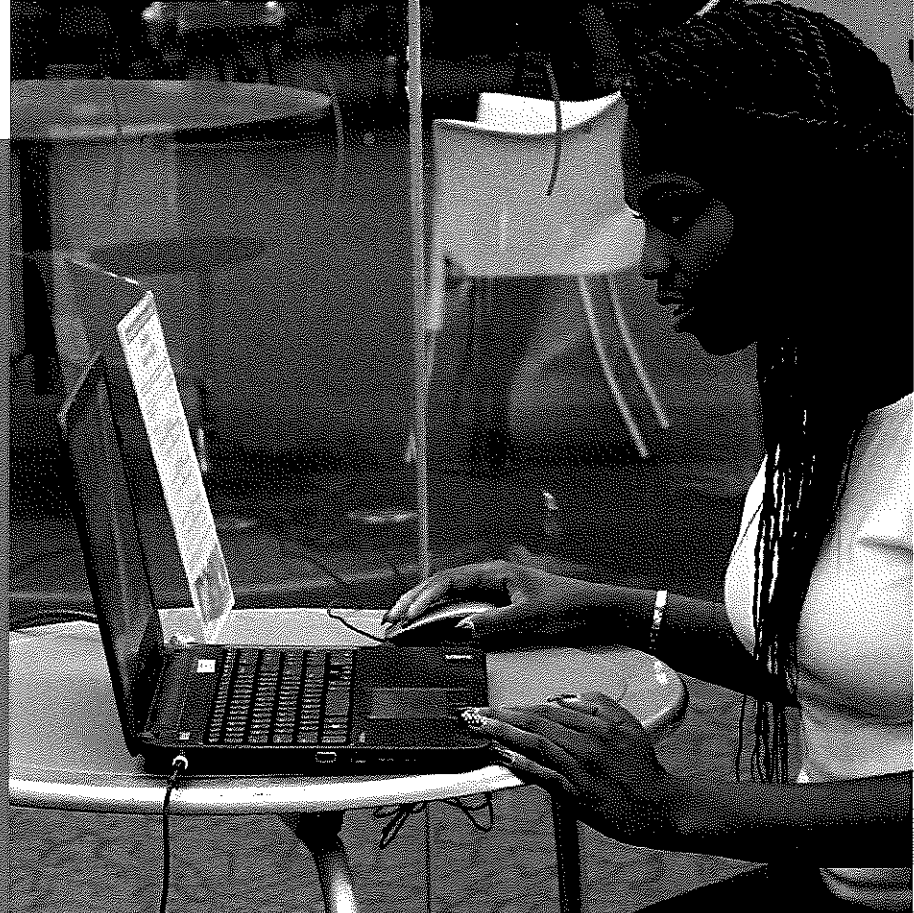
Our housing is often unstable and we move from place to place making it challenging to receive renewal information in the mail.

RECOMMENDATIONS

- Establish automatic electronic enrollment of youth who are aging out of Arizona foster care on their 18th birthday into the YATI program. If a youth chooses to not participate in the program, they have the right to self-select out.
- Have a policy in place that requires the court to ask our DCS Case Specialist about whether we have been enrolled in YATI as part of the transition planning requirement.
- Reduce coverage gaps by making our annual renewal in YATI automatic and eliminate unnecessary renewal documents.
- Extend YATI coverage to young adults who aged out of foster care in another state but are now a resident in Arizona.
- Develop a training for DCS, AHCCCS, and DES staff on the AHCCCS former foster care coverage category and the requirements for YATI so everyone is knowledgeable and can answer questions about eligibility and enrollment.
- DCS, AHCCCS and DES should create a "youth friendly" guide on how to access and use YATI, how to choose a health plan, what coverage includes, and how to choose a doctor.

I was in foster care in another state and struggled to get health care when I moved to Arizona for school. Without affordable coverage, many youth who have experienced foster care drain their savings and go into debt resulting from simple health care procedures that could have been preventable. Extending YATI coverage to youth who aged out of foster care in another state and are now residents of Arizona would help us stay healthy and continue contributing to our communities.”

—Jasmine L.



As a former foster youth and before the health care expansion, I was without medical coverage which eventually placed me thousands of dollars in debt due to immediate medical needs. As a result, I drained a lot of my earnings and savings to pay back the debt I incurred from being uninsured. This is why reliable and uninterrupted health insurance for youth formerly in foster care is critical to our success and independence.”

—Desaray K.

FOSTERING ADVOCATES *Youth. Speak. Change.* ARIZONA

For more information or to get involved, contact us:

Children's Action Alliance
4001 N. 3rd St. #160
Phx, AZ 85012

 **fosteringadvocatesaz@gmail.com**

 **facebook.com/FosteringAdvocatesArizona**

 **@FosteringAdvAZ**  **(602) 266-0707**

STAY UPDATED at **fosteringadvocatesarizona.org**





HOUSE OF REPRESENTATIVES

SB 1102

guardians; duties; access to ward

Prime Sponsor: Senator Barto, LD 15

X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

SUMMARY OF THE STRIKE-EVERYTHING AMENDMENT

The strike-everything amendment to SB 1102 permits an entity contracted by the Department of Child Safety (DCS) to perform a preadoption certification investigation and home study of a prospective adoptive parent and permits a licensed foster parent to complete 12 hours of required training over a two-year period, rather than six hours of training in a one year period. Prohibits a child from being committed to the Department of Juvenile Corrections if they are only adjudicated dependent or incorrigible.

PROVISIONS

1. Allows an entity contracted by DCS to conduct an investigation and home study for foster home licensing or preadoption certification of any prospective adoptive parent before that parent can become certified to adopt a child.
2. Permits a written application for adoption certification to be sent to an entity contracted by DCS in the form and content required by that entity.
3. Requires an entity contracted by DCS, upon receiving and accepting a written application of the prospective adoptive parent or parents, to conduct or cause to be conducted an investigation of the prospective parent
4. Requires an entity contracted by DCS to submit a report to the juvenile court within 90 days of the original application, containing all relevant and material facts of the prospective parent's fitness to adopt children, including statutorily required information, and a definite recommendation for certifying the applicant.
5. Prohibits an applicant deemed nonacceptable to reapply for certification to an entity contracted by DCS for one year.
6. Stipulates that an entity contracted by DCS must only submit an updated report if an applicant has adopted a child within the preceding three years before the current application, and may only submit an updated report if the applicant has adopted another child more than three years before the current application.
7. Exempts the spouse of the child's deceased great-uncle or great-aunt from statutory requirements relating to preadoption certification investigations and home studies if the great-uncle or great-aunt had legal and physical custody of the child and the child resided primarily with the spouse of that great-uncle or great-aunt in the 24 months leading up to their death.

SB 1102

8. Exempts an applicant from statutory preadoption certification requirements if the applicant is a licensed foster parent who:
 - a. Is petitioning to adopt a child currently placed by DCS in the foster parent's home; and
 - b. DCS recommends adopt the child.
9. Prohibits a child from being committed to the Department of Juvenile Corrections if they are only adjudicated dependent or incorrigible.
10. Modifies the foster parent training requirements for a license renewal from six hours per year to 12 hours over the two year period of licensure.
11. Makes technical changes.

CURRENT LAW

A.R.S. § 8-105 requires that any prospective adoptive parent be investigated by an officer of the court, an agency or DCS before they can become certified as acceptable to adopt children. Written applications for certification are required to be sent to the court, an agency, or DCS.

A.R.S. § 8-509 requires a foster home licensee to provide proof of completion of six hours of foster parent training per year and each foster parent and adult member of the house to have a valid fingerprint clearance card. DCS is prohibited from renewing a license without satisfactory proof that the foster parent or parents have completed six actual hours of approved ongoing foster training per year.

A.R.S. § 8-341 permits the court to an incorrigible child to: the care of the child's parents, the protective supervision of a probation department, a reputable citizen of good moral character, a public or private agency or maternal or paternal relatives.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1102

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 8-105, Arizona Revised Statutes, is amended to
3 read:

4 8-105. Preadoption certification; investigation; central
5 adoption registry

6 A. Before any prospective adoptive parent may petition to adopt a
7 child the person shall be certified by the court as acceptable to adopt
8 children. A certificate shall be issued only after an investigation
9 conducted by an officer of the court, by an agency, ~~or~~ by the ~~division~~
10 DEPARTMENT OR BY AN ENTITY CONTRACTED BY THE DEPARTMENT TO DO AN
11 INVESTIGATION AND HOME STUDY FOR FOSTER HOME LICENSING OR PREADOPTION
12 CERTIFICATION. A written application for certification shall be made
13 directly to the court, to an agency, ~~or~~ to the ~~division~~ DEPARTMENT OR TO AN
14 ENTITY CONTRACTED BY THE DEPARTMENT, in the form and content required by the
15 court, agency or ~~division~~ DEPARTMENT.

16 B. The ~~division~~ DEPARTMENT is not required to accept every application
17 for certification. In determining which applications to accept the ~~division~~
18 DEPARTMENT may give priority to applications filed by adult residents of this
19 state who wish to adopt a child who has any special needs as defined in
20 section 8-141.

21 C. After receiving and accepting the written and completed application
22 of the prospective adoptive parent or parents, which shall include a
23 financial statement and a physician's or a registered nurse practitioner's
24 statement of each applicant's physical health, the ~~division~~ DEPARTMENT, the

Attachment 5

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials _____

1 agency, or an officer of the court OR THE ENTITY CONTRACTED BY THE DEPARTMENT
2 shall conduct or cause to be conducted an investigation of the prospective
3 adoptive parent or parents to determine if they are fit and proper persons to
4 adopt children.

5 D. The ~~division~~ DEPARTMENT shall not present for certification a
6 prospective adoptive parent unless that person and each other adult member of
7 the household have a valid fingerprint clearance card issued pursuant to
8 section 41-1758.07. The prospective adoptive parent and each other adult
9 member of the household must certify on forms that are provided by the
10 ~~division~~ DEPARTMENT and that are notarized whether that person is awaiting
11 trial on or has ever been convicted of any of the criminal offenses listed in
12 section 41-1758.07, subsections B and C in this state or similar offenses in
13 another state or jurisdiction.

14 E. An officer of the court may obtain a state and federal criminal
15 records check pursuant to section 41-1750 and Public Law 92-544. The
16 department of public safety may exchange this fingerprint data with the
17 federal bureau of investigation.

18 F. This investigation and report to the court shall consider all
19 relevant and material facts dealing with the prospective adoptive parents'
20 fitness to adopt children and shall include:

- 21 1. A complete social history.
- 22 2. The financial condition of the applicant.
- 23 3. The moral fitness of the applicant.
- 24 4. The religious background of the applicant.
- 25 5. The physical and mental health condition of the applicants.
- 26 6. Any court action for or adjudication of child abuse, abandonment of
27 children, dependency or termination of parent-child relationship in which the
28 applicant had control, care or custody of the child who was the subject of
29 the action.

30 7. Whether the person or persons wish to be placed on the central
31 registry established in subsection M of this section.

32 8. All other facts bearing on the issue of the fitness of the
33 prospective adoptive parents that the court, agency or division may deem
34 relevant.

1 G. The investigator shall not reveal to the prospective adoptive
2 parents the identity of a child or the child's parent or parents and shall
3 not reveal to the child or the child's parent or parents the identity of the
4 prospective adoptive parents if these facts are not already known.

5 H. Within ninety days after the original application prescribed by
6 subsection A of this section has been accepted, the ~~division or~~ DEPARTMENT,
7 the agency OR THE ENTITY CONTRACTED BY THE DEPARTMENT or a person or agency
8 designated by the court to conduct an investigation shall present to the
9 juvenile court the written report required by subsection F of this section,
10 which shall include a definite recommendation for certifying the applicant as
11 being acceptable or nonacceptable to adopt children and the reasons for the
12 recommendation.

13 I. Within sixty days after receiving the investigation report required
14 by subsections F and H of this section, the court shall certify the applicant
15 as being acceptable or nonacceptable to adopt children based on the
16 investigation report and recommendations of the report. A certification
17 remains in effect for eighteen months from the date of its issuance and may
18 be extended for additional one year periods if after review the court finds
19 that there have been no material changes in circumstances that would
20 adversely affect the acceptability of the applicant to adopt.

21 J. The court may require additional investigation if it finds that
22 additional information is necessary on which to make an appropriate decision
23 regarding certification.

24 K. Any applicant who has been certified as nonacceptable may petition
25 the court to review ~~such~~ THAT certification. Notice shall be given to all
26 interested parties and the matter shall be heard by the court, which may
27 affirm or reverse the certification.

28 L. If the applicant is certified as nonacceptable, the applicant may
29 not reapply for certification to the court, to any agency, ~~or to the division~~
30 DEPARTMENT OR TO AN ENTITY CONTRACTED BY THE DEPARTMENT for one year.

31 M. The ~~division~~ DEPARTMENT shall maintain a central adoption registry
32 that includes the names of all prospective adoptive parents currently
33 certified by the court as acceptable to adopt children, except those who
34 request that their names not be included, the names of all children who are
35 under the jurisdiction of the division and who are currently available for

adoption, the names of any other children who are currently available for adoption and whose names are voluntarily entered in the registry by any agency, parent or other person that has the right to give consent to the child's adoption, and other information as the division may elect to include in aid of adoptive placements. Access to information in the registry shall be made available on request to any agency under assurances as the division may require that the information sought is in furtherance of adoptive placements and that confidentiality of the information is preserved.

N. This section does not apply if:

1. The prospective adoptive parent is the spouse of the birth or legal parent of the child to be adopted or is an uncle, aunt, adult sibling, grandparent or great-grandparent of the child of the whole or half-blood or by marriage or adoption.

2. The birth or legal parent is deceased but at the time of death the parent had legal and physical custody of the child to be adopted and the child had resided primarily with the spouse of the birth or legal parent during the twenty-four months before the death of the parent.

3. The grandparent, great-grandparent, UNCLE, aunt, GREAT-UNCLE, GREAT-AUNT OR adult sibling ~~or uncle~~ is deceased but at the time of death that person had legal and physical custody of the child to be adopted and the child had resided primarily with the spouse of the grandparent, great-grandparent, UNCLE, aunt, GREAT-UNCLE, GREAT-AUNT OR adult sibling ~~or uncle~~ during the twenty-four months before the death of the grandparent, great-grandparent, UNCLE, aunt, GREAT-UNCLE, GREAT-AUNT OR adult sibling ~~or uncle~~.

4. THE APPLICANT IS A LICENSED FOSTER PARENT WHO IS PETITIONING TO ADOPT A CHILD CURRENTLY PLACED BY THE DEPARTMENT IN THE FOSTER PARENT'S HOME AND THE DEPARTMENT RECOMMENDS THE ADOPTION OF THE CHILD BY THE FOSTER PARENT APPLICANT.

0. If the applicant IS A LICENSED FOSTER PARENT OR has adopted a child within three years preceding the current application and is applying to adopt another child ~~or is a foster parent who is licensed by this state~~, the division, ~~or~~ THE agency OR AN ENTITY CONTRACTED BY THE DEPARTMENT or a person designated by the court to conduct an investigation shall only provide an update report on any changes in circumstances that have occurred since the

1 previous certification or licensing report. If the applicant has adopted a
2 child more than three years before the current application and is applying to
3 adopt another child, the division, ~~or~~ agency OR AN ENTITY CONTRACTED BY THE
4 DEPARTMENT or a person designated by the court to conduct an investigation
5 may provide an updated report on any changes in circumstances that have
6 occurred since the previous certification or licensing report. The court
7 shall certify the applicant as acceptable to adopt unless there are changes
8 in circumstances that adversely affect the applicant's parenting ability. In
9 making this determination, the court shall consider information from the
10 prior certification or licensing report.

11 Sec. 2. Section 8-342, Arizona Revised Statutes, is amended to read:

12 8-342. Commitment of child; medical examination

13 A. A child who is any of the following shall not be committed or
14 awarded to the department of juvenile corrections:

15 1. Adjudicated delinquent for an offense that is not a felony unless
16 the child has been previously adjudicated delinquent for an offense that is a
17 felony or is seriously mentally ill.

18 2. Under fourteen years of age.

19 3. ~~A~~ ONLY ADJUDICATED dependent or incorrigible child.

20 B. Before commitment to the department of juvenile corrections, every
21 child shall be given a medical examination. If it is determined that any
22 contagious or infectious disease is present, the child shall not be committed
23 to the department of juvenile corrections, but the juvenile court shall order
24 that the child be given the necessary medical treatment at the county
25 hospital or other medical facility. When the child is discharged by
26 competent medical authority, the juvenile court may order the child's
27 commitment to the department of juvenile corrections. In any case copies of
28 records, examinations and evaluations shall be made of the findings of the
29 medical examination and of any subsequent treatment and discharge, which
30 copies shall accompany the child's commitment papers.

31 Sec. 3. Section 8-509, Arizona Revised Statutes, is amended to read:

32 8-509. Licensing of foster homes; renewal of license;
33 provisional license; exemption from licensure;
34 immunization requirements

1 A. The ~~division~~ DEPARTMENT shall license and certify foster homes.
2 Licenses are valid for a period of two years.

3 B. The ~~division~~ DEPARTMENT shall not issue a license without
4 satisfactory proof that the foster parent or parents have completed six
5 actual hours of approved initial foster parent training as set forth in
6 section 8-503 and that each foster parent and each other adult member of the
7 household has a valid fingerprint clearance card issued pursuant to section
8 41-1758.07. The foster parent and each other adult member of the household
9 must certify on forms that are provided by the ~~division~~ DEPARTMENT and that
10 are notarized whether the foster parent or other adult member of the
11 household is awaiting trial on or has ever been convicted of any of the
12 criminal offenses listed in section 41-1758.07, subsections B and C in this
13 state or similar offenses in another state or jurisdiction.

14 C. The ~~division~~ DEPARTMENT shall not renew a license without
15 satisfactory proof that the foster parent or parents have completed ~~six~~
16 TWELVE actual hours of approved ongoing foster parent training ~~per year~~
17 DURING THE TWO-YEAR PERIOD OF LICENSURE as set forth in section 8-503.

18 D. ~~Notwithstanding the requirements of subsections B and C of this~~
19 ~~section,~~ If the ~~division~~ DEPARTMENT determines THAT COMPLETING THE TRAINING
20 REQUIRED IN SUBSECTIONS B AND C OF THIS SECTION WOULD BE a ~~condition of~~
21 hardship to the foster parent or parents, the ~~division~~ DEPARTMENT may issue a
22 provisional license for a period not to exceed six months. A provisional
23 license may not be renewed.

24 E. Child welfare agencies that submit foster homes for licensing shall
25 conduct an investigation of the foster home pursuant to licensing rules of
26 the ~~division~~ DEPARTMENT. The ~~division~~ DEPARTMENT shall conduct
27 investigations of all other foster homes. If the foster home meets all
28 requirements set by the ~~division~~ DEPARTMENT, the agency shall submit an
29 application stating the foster home's qualifications to the ~~division~~
30 DEPARTMENT. The agency may also recommend the types of licensing and
31 certification to be granted to the foster home.

32 F. The ~~division~~ DEPARTMENT shall accept an adoptive home certification
33 study as a licensing home study if the study has been updated within the past
34 three months to include the information necessary to determine whether the
35 home meets foster care licensing standards.

House Amendments to S.B. 1102

1 G. This section does not apply if the child is placed in a home by a
2 means other than by court order and if the home does not receive compensation
3 from this state or any political subdivision of this state.

4 H. The ~~division does~~ DEPARTMENT MAY not prohibit a person operating a
5 licensed foster home from applying for or receiving compensation as a foster
6 home parent due to employment with this state.

7 I. The ~~division~~ DEPARTMENT shall not require a foster parent to
8 immunize the foster parent's natural or adoptive children as a condition of
9 foster home licensure.

10 J. A licensee may modify the renewal date of a license issued pursuant
11 to this section by submitting an application for modification of renewal date
12 with the ~~division~~ DEPARTMENT on a form prescribed by the ~~division~~ DEPARTMENT.
13 The licensee must specify the new month of renewal on the application. The
14 modified renewal date must be ~~prior to~~ BEFORE, but not more than six months
15 earlier than, the existing renewal date."

16 Amend title to conform

JOHN M. ALLEN

1102ALLEN J2
03/10/2016
08:39 AM
H: IG/MH/rca

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1102

(Reference to the Allen s/e amendment dated 3/10/16; 8:39 AM)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 8-103, Arizona Revised Statutes, is amended to
3 read:

4 8-103. Who may adopt

5 A. Any adult resident of this state, whether married, unmarried or
6 legally separated is eligible to qualify to adopt children. A husband and
7 wife MARRIED COUPLE may jointly adopt children.

8 B. Pursuant to rules adopted by the ~~division~~ DEPARTMENT, the ~~division~~
9 DEPARTMENT or adoption agency shall place a child in an adoptive home that
10 best meets the safety, social, emotional, physical and mental health needs of
11 the child. Other relevant factors for consideration, in no order of
12 preference, shall include:

13 1. The marital status, length and stability of the marital
14 relationship of the prospective adoptive parents.

15 2. Placement with the child's siblings pursuant to section 8-862.

16 3. Established relationships between the child and the prospective
17 adoptive family as described in section 8-862, including placement with a
18 grandparent or another member of the child's extended family including a
19 person or foster parent who has a significant relationship with the child.

20 4. The prospective adoptive family's ability to meet the child's
21 safety, social, emotional, physical and mental health needs and the ability
22 to financially provide for the child.

23 5. The wishes of the child who is twelve years of age or older.

1 6. The wishes of the child's birth parents unless the rights of the
2 parent have been terminated or the court has established a case plan of
3 severance and adoption.

4 7. The availability of relatives, the child's current or former foster
5 parents or other significant persons to provide support to the prospective
6 adoptive family and child.

7 C. If all relevant factors are equal and the choice is between a
8 married ~~man and woman~~ COUPLE certified to adopt and a single adult certified
9 to adopt, placement preference shall be with a married ~~man and woman~~ COUPLE.

10 D. In each adoption proceeding, the court shall make findings on the
11 record regarding the best interests of the child pursuant to law."

12 Renumber to conform

13 Amend title to conform

REBECCA RIOS

1102RIOS2
03/11/2016
03:29 PM
H: CA/rca

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

*Rios Amendment to the
Allen s/e amendment*

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. 1102

DATE March 14, 2016 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley			✓		
Mrs. Cobb			✓		
Mrs. Gonzales		✓			
Mr. Lovas			✓		
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend			✓		
Mrs. Brophy McGee, Vice-Chairman			✓		
Mr. Allen J, Chairman			✓		
		3	6	0	0

APPROVED:



JOHN M. ALLEN, Chairman
KATE BROPHY MCGEE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 7

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. SB 1102

DATE March 14, 2016 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:



JOHN M. ALLEN, Chairman
KATE BROPHY MCGEE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 8



HOUSE OF REPRESENTATIVES

SB 1296

guardianship; proceedings; ward's relationships

Prime Sponsor: Senator Driggs, LD 28

X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

OVERVIEW

SB 1296 requires a guardian of a ward to permit contact between the ward and persons who have a significant relationship with the ward, unless there is reason to believe that the contact would be detrimental to the ward. Establishes criteria for persons to petition to modify or suspend a contact order.

PROVISIONS

1. Stipulates that a petition for the appointment of a guardian must include:
 - a. The court and case number for any legal decision-making, parenting time or visitation order that was previously entered regarding an alleged incapacitated person in a marriage dissolution, legal separation or paternity actions in which the petitioner or proposed guardian is a parent of an alleged incapacitated person or a nonparent who has been awarded legal decision-making for an alleged incapacitated person; and
 - b. A copy of the most recent court order regarding legal decision making, parenting time and visitation.
2. Requires notice criteria for proceedings regarding the appointment or substitution of a guardian to a ward to also apply to proceedings for a contact order or modification of a contact order.
3. Stipulates that if a petitioner for appointment of a guardian for an incapacitated person is filed for a child that is at least 17 ½ years old or within 2 years after the child's 18th birthday, and the court does not find the appointment to be contrary to the incapacitated person's best interest, then the court must appoint:
 - a. Any person who, by court order, had sole legal decision-making of the incapacitated person when such person attained the age of 18 as the incapacitated person's guardian; or
 - b. Two persons who had joint legal decision-making of the incapacitated person when such person attained the age of 18 as co-guardians.
4. Permits the court to appoint more than one person as the incapacitated person's co-guardians, if the court determines that the appointment is in the incapacitated person's best interest.
5. Requires court-appointed co-guardians to share decision-making for the incapacitated person and maintains that neither of the co-guardian's rights nor responsibilities are superior to the other, unless otherwise ordered by the court.
6. Requires a guardian to encourage and allow contact between the ward and other persons who have a significant relationship with the ward.

7. Permits the guardian to limit, restrict or prohibit contact between the ward and any person, if the guardian believes that the contact will be detrimental to the ward's health, safety or welfare.
8. Stipulates that the guardian must consider the wishes of the ward, if the ward has sufficient mental capacity to make an intelligent choice, in determining contact between the ward and other persons.
9. Allows a ward or a person who has a significant relationship with the ward to petition the court for an order compelling the guardian to allow the person to have contact with the ward; and
 - a. Requires the petition to describe the nature of the relationship between the person and the ward and the type and frequency of contact being requested;
 - b. Stipulates that the ward or person petitioning the court has the burden of proving that the person has a significant relationship with the ward and that the requested contact is in the ward's best interest.
10. Requires the court, in determining what contact between the person and the ward is in the ward's best interest, to consider all factors that are relevant to the ward's emotional and physical well-being, including:
 - a. The past and present relationship between the ward and the person whom the contact is requested;
 - b. The wishes of the ward, if the ward has sufficient mental capacity to make an intelligent choice;
 - c. The mental and physical health of the ward and the person with whom the contact is requested;
 - d. Whether the person with whom the contact is requested has:
 - i. Committed any act involving domestic violence, child abuse or abuse, neglect or exploitation of a vulnerable adult;
 - ii. Abused drugs or alcohol or has been convicted of any drug offense or driving under the influence;
 - iii. Been listed in the elder abuse central registry or is a registered sex offender; and
 - iv. Been convicted of false reporting of child abuse or neglect or vulnerable adult abuse.
11. Stipulates that if a petition for appointment of a guardian for an incapacitated person is filed for a child that is at least 17 ½ years old or within 2 years after the child's 18th birthday, any contact with the ward authorized in the most recent parenting time or visitation order must be presumed to be in the ward's best interest.
 - a. Permits this presumption to be rebutted by evidence showing that the contact is no longer in the ward's best interest.
12. Permits a court-appointed fiduciary for the ward or a person who has a significant relationship to the ward to:
 - a. Petition the court to modify a contact order, if a material change in circumstances affecting the ward's health, safety or welfare has occurred; and
 - i. Requires this petition to be supported by an affidavit alleging the change of circumstances that has occurred since the entry of the last contact order;
 - ii. Stipulates that the court must deny the petition unless the court finds that it establishes good cause for hearing, in which case the court shall set a hearing on the petition; and

- iii. Requires the petition and notice of the hearing to be served on any court-appointed fiduciary for the ward and to any person to whom notice is required by statute.
- b. File a motion asking the court to temporarily modify or suspend a contact order, if any material change in circumstances affecting the ward's health, safety or welfare has occurred since the last contact order was made, and
 - i. Stipulates that the motion must be supported by an affidavit alleging the change of circumstances that has occurred since the entry of the last contact order; and
 - ii. Requires the motion to be filed contemporaneously with or after the filing of a petition to modify the prior contact order and state whether the petitioner requests that the prior contact order be modified or suspended with or without notice to any affected persons.
- 13. Permits the court to temporarily modify or suspend a contact order without notice if:
 - a. It clearly appears that immediate and irreparable injury, loss or damage likely will result if the order is not issued before the affected persons can be heard in opposition; and
 - b. The moving party or party's attorney certifies to the court, in writing, of any efforts that the moving party or the party's attorney has made to give the notice or the reasons supporting the claim that notice shouldn't be required.
- 14. Requires the court to set a hearing if the court grants a motion to temporarily modify or suspend a contact order without notice.
- 15. Requires an order temporarily modifying or suspending a contact order that is granted without notice to state the injury, loss or damage that would have been likely to occur if the order were not issued before giving the affected persons the opportunity to be heard in opposition and requires the temporary order to expire at the date and time set for the hearing on the motion unless extended by the court for good cause.
- 16. Stipulates that the moving party must personally serve the person whose contact with the ward has been modified or suspended with a copy of the order and notice of the hearing and serve a copy of the order on any court-appointed fiduciary for the ward and all persons affected by the order.
- 17. Requires a guardian to notify the family members of an adult ward if the adult is admitted to a hospital for not more than three days or the adult ward dies and stipulates that this notification must include information regarding any known funeral arrangements and the place of burial.
- 18. Contains a delayed effective date of January 1, 2017.
- 19. Defines *abuse*, *child abuse*, *contact*, *contact order*, *exploitation*, *family members*, *joint legal decision-making*, *legal decision-making*, *neglect*, *parenting time*, *significant relationship*, *visitation* and *vulnerable adult*.
- 20. Makes technical, conforming and clarifying changes.

CURRENT LAW

Statute stipulates that any qualified person may be appointed guardian of an incapacitated person (A.R.S. § 14-5311). A person becomes a guardian of an incapacitated person by a parental or spousal appointment or on appointment by the court and continues to act as guardian until the guardianship is terminated, without regard to the location of the guardian or the ward (A.R.S. § 14-5301-02). A.R.S. § 14-5312 stipulates that a guardian of an incapacitated person has the

same powers, rights and duties respecting the guardian's ward that a parent has respecting the parent's emancipated child.

Incapacitated Person is defined as a person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

Ward is defined as a person for whom a guardian has been appointed (A.R.S. § 14-5101).



FALK ~ NASGA



March 14, 2016

SB 1296: Senator Adam Driggs

Chairman & House Committee Members

My name is Catherine Falk. My father was Peter Falk, a well-known actor most known for his role as Lt. Columbo. I had a relationship with my dad and like many families, we had our ups and downs but we were always father and daughter. After sixteen years of marriage to my mother, my father remarried a second time. During his second marriage, his wife seemed controlling and jealous of any relationship my father maintained with my sister and I up until 2009 just before Father's Day. I spoke to him by phone just three days before his hip replacement surgery. Father's Day came and went without being able to see him and I knew something was drastically wrong. I knew that the effects of the anesthesia from surgery may very well have exacerbated his Alzheimer's along with not being able to walk after surgery; thereby, diminishing any autonomy and capacity that he demonstrated just days before Father's Day.

I didn't know where to turn for help. Someone recommended that I contact a probate lawyer to seek legal remedy. In 2009, my attorney informed me that my only option to see my dad again was to file for conservatorship in probate court. I wasn't interested in controlling his estate or his care, only the desire to visit with him. At the judge's discretion, she granted me visitation rights. This was after spending close to one hundred thousand dollars of my own money to prove to the court that I had a prior relationship with my dad. He was placed in a conservatorship, which was not what I had intended.

It was then, in 2010 that I had this idea to draft a visitation bill to avoid a lengthy and costly court battle and potentially an unnecessary conservatorship. In 2011, a visitation bill was drafted and my lawyer handed the very first draft to a California legislator in 2013 for it's final passage in 2015. I took one of the amended drafts to New York to try to obtain sponsorship for the bill. I learned very quickly that my original bill was limited to adult children seeking visitation with an ailing parent and that it perpetuated many unwanted and unnecessary guardianships just by seeking visitation rights with those not in a conservatorship using the probate court to solve criminal and civil matters of isolation and elder abuse.

Attachment 10

My crusade was no longer about visitation between an adult child and an ailing parent. It became two separate but equal concerns for me. One concern is about people who experience isolation by a spouse, relative or caretaker who abuses their powers absent any guardianship appointment, leaving very little choices to someone like me who had a relationship before the onset of isolation.

My second concern is about wards, the disabled, vulnerable and incapacitated population currently in guardianships experiencing isolation. I quickly recognized that guardians wield absolute power over their wards and far too often have the power and authority to isolate, exploit, over-medicate and liquidate properties and assets. The Uniform Law Commission accepted my proposal of visitation legislation, which has been referred to the drafting committee to revise the Uniform Guardianship Act as well as the Joint Editorial Board for Uniform Family Law and Uniform Trust and Estates Acts addressing visitation rights affecting people not subject to guardianship.

Tennessee, Chairman Rusty Crowe gave me the opportunity to draft a comprehensive wards' rights bill, addressing the majority of incapacitated people suffering in isolation that has recently passed the Senate Judiciary Committee 6-2. I have taken this Tennessee bill to other states as model legislation. Colorado replicated much of the language of the Tennessee bill in what they have titled, The 'Peter Falk Act' which has recently passed through the Senate Judiciary Committee 5-0. Our bill has also passed the Senate Judiciary Committee and the Senate floor of Utah unanimously!

SB1102 advocates for incapacitated people in conservatorships, granting them the right to make their own decisions of who they wish to see or not to see- an innate right which should not be taken away simply because the person is in a conservatorship. Bill 5361 is designed to stop bad guardians from isolating their wards with no accountability for their actions. It protects the growing number of people who are currently falling through the cracks and have nowhere to go for help. It is not designed to make it harder for good guardians to do their job. Conversely, the bill helps to impede those who are wrongfully isolating their wards with no accountability and without the oversight of the court. It will require the guardian to provide the burden of proof to a judge in order to over-ride an incapacitated person's wishes. Although many guardians serve their wards' needs efficiently, there are a growing number of guardians who don't. If the guardian has the power to isolate without the oversight of the court, then the ward has no place to go for help except to the abusive guardian.

Having worked in the jails as a Probation Officer, I witnessed felons who had visitation rights on weekends, access to telephone calls, the ability to send and receive mail, and proper medical care while I have studied thousands of cases of wards who's fundamental and civil liberties have been violated and exploited as they live in isolation, over-medicated, while their bank accounts are depleted. I ask myself why do we treat prisoners better than our elders or adult disabled population in America? I wonder why we don't guardianize the homeless, people who need our help the most yet far too often we guardianize unnecessarily in an effort to control, exploit, liquidate and over medicate the most vulnerable population in society. It seems as though we don't guardianize the homeless because there is no money attached to them but many of our vulnerable elders and adult disabled population with money seem to be moving targets in a very flawed system.

As my dad always said, "Just One More Thing"...

I never imagined as his daughter, that I or his family and friends would be confronted with the permanency of separation in the final years of his life. He was the most outspoken, vibrant, iconic, independent and funny father and man I ever knew. I loved him with all of my heart. I watched how he brought his mother's caretaker to justice in New York for financial exploitation when this caretaker was supposed to look after my grandmother but instead abused her emotionally and financially. My father worked with the District Attorney's office to press criminal charges for elder abuse and financial exploitation.

Thank you for allowing me the opportunity to share my story and testimony with you.

CATHERINE FALK

Catherine Falk Organization

Daughter of Peter Falk aka "Columbo"

Fifty-second Legislature
Second Regular Session

Children and Family Affairs
S.B. 1296

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1296
(Reference to Senate engrossed bill)

- 1 Page 8, line 36, strike "NOT"
- 2 Amend title to conform

JOHN M. ALLEN

1296ALLEN J
03/07/2016
10:25 AM
H: IG/rca

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials _____

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. SB 1296

DATE March 14, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:



JOHN M. ALLEN, Chairman
KATE BROPHY MCGEE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 12



HOUSE OF REPRESENTATIVES

SB 1297

paternity; preliminary injunction

Prime Sponsor: Senator Driggs, LD 28

X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

OVERVIEW

SB 1297 requires the clerk of the court, in an action to establish legal decision-making and parenting time for a child born out of wedlock, to issue a preliminary injunction when a petitioner has filed specified documents.

PROVISIONS

1. Requires, in an action to establish legal decision-making and parenting time for a child born out of wedlock, the clerk of the court to issue, pursuant to an order of the court, a preliminary injunction that is directed to each party to the action if the petitioner has filed one of the following:
 - a. A copy of the birth certificate that lists the father as parent;
 - b. An affidavit or acknowledgement signed by the father admitting paternity;
 - c. An adoption order listing both parties as parents; or
 - d. A court order establishing paternity.
2. Provides the preliminary injunction must contain the following orders:
 - a. That both parties are enjoined from all of the following:
 - i. Molesting, harassing, disturbing the peace or committing an assault or battery on the person of the other party or any natural or adopted child of the parties;
 - ii. Removing any natural or adopted child of the parties then residing in this state from the jurisdiction of the court without the prior written consent of the parties or the permission of the court; and
 - iii. Removing or causing to be removed any child of the parties from any existing insurance coverage, including medical, hospital, dental, automobile or disability insurance.
 - b. That both parties maintain all insurance coverage in full force and effect.
3. Outlines the language prescribed in the preliminary injunction.
4. States the preliminary injunction is effective against the petitioner when the petition is filed and against the respondent on service of a copy of the order or on actual notice of the order, whichever is sooner. If service is by registered mail under the Arizona Rules of Family Law Procedure, the order is effective on receipt of the order. The order remains effective until further order of the court or the entry of paternity, legal-decision making or parenting time.
5. Stipulates at the time of filing the petition for paternity, legal decision-making or parenting time, copies of the preliminary injunction must be issued to the petitioner or the agent, servant or employee filing the petition for paternity, legal decision-making or parenting time.

The petitioner is deemed to have accepted service of the petitioner's copy of the preliminary injunction and to have actual notice of its contents by filing a petition for paternity, legal decision-making or parenting time. The petitioner must cause a copy of the preliminary injunction to be served on the respondent with a copy of the summons and petition for paternity, legal-decision making or parenting time.

6. Specifies the preliminary injunction has the force and effect of an order of the Superior Court signed by a judge and is enforceable by all remedies available, including contempt of court.
7. Allows the court to issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury will result to the moving party if no order is issued until the time for responding has elapsed. A bond is not required unless the court deems it appropriate.
8. States a temporary order or preliminary injunction:
 - a. Does not prejudice the rights of the parties or any child that are to be adjudicated at the subsequent hearing in the proceeding;
 - b. May be revoked or modified before the final decree on a showing by affidavit of the facts necessary for revocation or modification of a final decree; and
 - c. Terminates when the final order is entered or when the petition is dismissed.
9. Subjects a person who disobeys or resists a preliminary injunction to arrest and prosecution for interference with judicial proceedings and stipulates the following:
 - a. Any party may cause a certified copy of the injunction and return of service on the other party to be registered with the sheriff having jurisdiction of the area in which the party resides. The party originally registering with the injunction must register any changes or modifications of the injunction with the sheriff. For enforcement by arrest and prosecution for interference with judicial proceedings, a certified copy of the injunction, whether or not registered with the sheriff, is presumed to be a valid existing order of the court until a final order is entered or the action is dismissed;
 - b. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that an offense has been committed and has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or misdemeanor and whether the offense was committed within or without the presence of the peace officer. The release procedures for misdemeanor or petty offenses are not applicable to arrests made pursuant to this paragraph.
 - c. A peace officer making an arrest is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.
 - d. A person arrested may be released from custody in accordance with the Arizona Rules of Criminal Procedure or other applicable statute. An order for release, with or without an appearance bond, must include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.
 - e. The remedies for enforcement of the preliminary injunction are in addition to any other civil or criminal remedies available, including civil contempt of court. The use of one remedy does not prevent the simultaneous or subsequent use of any other remedy.

CURRENT LAW

A.R.S. 25-803 outlines the proceedings to establish maternity or paternity of a child or children to compel support which must be accompanied by a verified petition. Any party to a proceeding

may request that legal decision-making and specific parenting time be determined and once paternity is established the court may award legal decision-making and parenting time. Proceedings to establish the paternity of a child may be instituted during the pregnancy of the mother or after the birth of a child A.R.S. 24-804. Proceedings to establish maternity or paternity have precedence over other civil proceedings. The court, on its own motion or on motion of any party to the proceedings, must order the mother, her child or children and the alleged father to submit to genetic testing. If the results of the genetic test indicate a 95% or higher likelihood, the alleged father is the presumed parent of the child A.R.S. 25-807.

A.R.S. 25-315 provides similar procedures for temporary orders or preliminary injunctions for actions related to dissolution of marriage, legal separation or annulment.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. SB 1297

DATE March 14, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:



JOHN M. ALLEN, Chairman
KATE BROPHY MCGEE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 14



HOUSE OF REPRESENTATIVES

SB 1299

child support action; affirmative defense

Prime Sponsor: Senator Driggs, LD 28

X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

OVERVIEW

SB 1299 provides that voluntary relinquishment of physical custody of a child to the obligor from the obligee is an affirmative defense to a petition for enforcement of child supports arrears.

PROVISIONS

1. Stipulates that voluntary relinquishment of physical custody of a child to the obligor from the obligee is an affirmative defense in whole or in part to a petition for enforcement of child support arrears. In determining whether the relinquishment was voluntary, the court must consider whether there is any evidence or history of any of the following:
 - a. Domestic violence;
 - b. Parental kidnapping; and
 - c. Custodial interference.
2. States the relinquishment must have been for a time period in excess of any court-ordered period of parenting time and the obligor must have supplied actual support for the child.

CURRENT LAW

A.R.S. 25-503 provides that in any proceeding in which there is at issue the support of a child, the court may order either or both parents to pay an amount necessary for the support of a child. On a showing that an income withholding order has been ineffective to secure timely payment and that an amount of six months of current support has accrued, the court must require the obligor to give security, post bond or give some other guarantee to secure overdue support. The obligation for current support must be fully met before any payment may be applied to arrearages. Any order for child support may be modified or terminated on a showing of changed circumstance that is substantial and continuing, except as to any amount that may have accrued as an arrearage before the date of notice of the motion or order to show cause to modify or terminate. Every three years, a party may request that an order for child support be reviewed and if appropriate, adjusted. If party requests a review and adjustment sooner than three years, the party must demonstrate a changed circumstance that is substantial and continuing.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

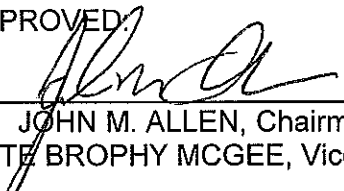
ROLL CALL VOTE

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. SB 1299

DATE March 14, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:



JOHN M. ALLEN, Chairman
KATE BROPHY MCGEE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 16

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session
COMMITTEE ATTENDANCE RECORD

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS

CHAIRMAN: John M. Allen VICE-CHAIRMAN: Kate Brophy McGee

DATE	03/14/16	/16	/16	/16	/16
CONVENED	3:18pm	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	5:03pm				
MEMBERS					
Mr. Ackerley	✓				
Mrs. Cobb	✓				
Mrs. Gonzales	✓				
Mr. Lovas	✓				
Mr. Mendez	✓				
Ms. Rios	✓				
Ms. Townsend	✓				
Mrs. Brophy McGee, Vice-Chairman	✓				
Mr. Allen J, Chairman	✓				

√ Present --- Absent exc Excused